



OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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08-EX-3

TO: ALL ACCIDENT AND SICKNESS INSURERS AND HEALTH CARE CORPORATIONS ISSUING OR RENEWING GROUP, BLANKET OR INDIVIDUAL HEALTH INSURANCE IN THE STATE OF GEORGIA

AND

ALL PROPERTY AND CASUALTY INSURERS

FROM: JOHN W. OXENDINE
INSURANCE AND SAFETY FIRE COMMISSIONER

DATE: OCTOBER 8, 2008

RE: EXPANSION IN SCOPE OF PRACTICE OF CHIROPRACTORS UNDER O.C.G.A. SECTION 43-9-12.1;
O.C.G.A. SECTION 33-24-27; AND
REFERRALS BY GEORGIA CHIROPRACTORS FOR
MAGNETIC RESONANCE IMAGE TESTING

On June 6, 2006, in Opinion No. U06-1, the Attorney General issued an opinion interpreting O.C.G.A. Section 43-9-12.1 as requiring chiropractors to refer patients to the appropriate health care provider commensurate with the chiropractor's findings. That Opinion specifically authorizes referral for *treatment* (evaluation of conditions that are outside the scope of practice of the chiropractor but within the scope of practice of another licensed health care provider) and *diagnostic* (outside the chiropractor's scope of practice in terms of knowledge, expertise, instrumentation, or technology to determine the appropriateness of further care that is within the chiropractor's scope of practice) purposes. The Attorney General determined that Magnetic Resonance Imaging (MRI) testing is within the *treatment* and *diagnostic* purposes authorized for chiropractic referrals in O.C.G.A. Section 43-9-12.1. Accordingly, chiropractors are statutorily permitted to refer patients for MRI testing in appropriate cases.

Prior to the enactment of O.C.G.A. Section 43-9-12.1, in Op. Att’y Gen. 93-11, the Attorney General concluded that referring patients for MRI was not within the scope of practice of chiropractic. The Opinion of June 6, 2006, however, states:

To the extent that 1993 Op. Att’y Gen. 93-11 concludes that MRI referral is outside the scope of practice of chiropractic, it has been superseded by O.C.G.A. Section 43-9-12.1, which makes referral necessary when appropriate in the determination of chiropractic care.

Therefore, O.C.G.A. Section 43-9-12.1 requires chiropractors to refer patients for MRI when appropriate.

Furthermore, O.C.G.A. Section 33-24-27 requires that health insurance policies in Georgia must provide reimbursement for services that are within the lawful scope of practice of chiropractic practice regardless of whether they are rendered by a duly licensed doctor of medicine or a duly licensed chiropractor. MRI referral is within the scope of chiropractic practice. The Attorney General’s interpretation of O.C.G.A. Section 43-9-12.1 places MRI referral squarely within the scope of chiropractic practice. So, MRI referrals made by chiropractors must be reimbursed by various health insurers as provided for and within the context of coverage in O.C.G.A. 33-24-27 (b) under

“...all individual, group, or blanket policies of accident and sickness insurance and individual or group service or indemnity contracts issued by nonprofit corporations or by health care corporations which are issued, delivered, issued for delivery, amended, or renewed in this state...”

Consequently, I am informing health insurers subject to O.C.G.A. Section 33-24-27(b) that they must reimburse chiropractors for covered services they perform within their scope of practice, which now includes referral to appropriate medical professionals for Medical Resonance Imaging services.

The extent to which Medical Resonance Imaging services after referral are covered benefits under a Georgia insured’s health insurance coverage will depend upon the type of that health coverage and may be subject to other health insurance policy provisions. Some of these policy provisions might take the form of precertification or prior authorization. And these coverage benefits, limitations and details, including the participating or non-participating status of providers making referrals or providers to which covered patients are referred will also need to be recognized by chiropractic and MRI providers, insurers and insureds. Health insurers are encouraged to review their administrative policies and procedures, their evidence of coverage or other descriptive materials and correct or amplify relevant communications to insureds to reflect these relatively new legal requirements.

The referenced Attorney General Opinion U06-1 may also be applicable, beyond the product coverage boundaries of normal health insurance coverage, under certain coverages such as automobile medical payments or other property and casualty related coverages. To the extent that medical care or referral by chiropractors within these same scope of practice parameters is furnished to insureds, property and casualty insurers should not deny coverage for MRI referral services

provided by chiropractors to covered Georgians under relevant medical payments or other property and casualty coverages.

For questions and comments regarding health insurance coverage implications of these new chiropractic scope of practice determinations, please contact the Life and Health Division, Office of Commissioner of Insurance at (404) 656-2085.

For questions and comments regarding property and casualty medical payments or other (non-health) insurance coverage implications of these new chiropractic scope of practice determinations, please contact the Property and Casualty Division, Office of Commissioner of Insurance at (404) 656-4449.

A handwritten signature in black ink, reading "John W. Oxendine". The signature is fluid and cursive, with the first name "John" being the most prominent.

JOHN W. OXENDINE
INSURANCE AND SAFETY FIRE COMMISSIONER
STATE OF GEORGIA